GEN. TALCOTT'S DEFENCE.

MR. PRESIDENT AND GENTLEMEN OF THE COURT : This occasion, I doubt not, is to you, as it is to me, full of inte-

If I feel an unspeakable value of an honorable name, so likewise do you. If I have heretofore worn mine with an honest pride, so has each one of you; and though it is my fortune, and not yours, to be summoned now to defend my right to this priceless possession—after having borne it, un-questioned, up the hill of life, across the narrow table-land which lies at its summit, and far downward in the path that leads to the vale below-yet do I feel and know that this contest has stirred in the breasts of my judges something of that earnestness which fills my own. It is not enough that him that PROBABLY Colonel Huger MIGHT be making sho I have been sustained by the consciousness of my own rectitude-that I have looked forward from the beginning with unshaken confidence to the issue of this investigation-that I now count upon your justice to accord to me a full and ready acquittal of the charges laid against me. There are wounds which it is not in the power of human justice whol-ly to heal. Such a wound is this arraignment before my peers, and in the face of my country, to answer to a charge of the detestable crime of wilful and deliberate falsehood—a crime which poisons the very spring and fountain of com-mon honesty. It is this which gives to these charges their envenomed and immedicable sting. It is to this that I shall most earnestly address myself in these remarks; and if I most earnestly address myself in these remarks; and it is should fail to sustain myself, not merely against the technical specifications to which I am to answer, but against all doubt and all suspicion, then indeed will I have failed to attain the object which at this moment I desire above all earthly things. I am not insensible to the gravity of the other charges preferred against me; but you will require no word of experience against the state of the contraction. preferred against me; but you will require no word or ex-planation from me to make you comprehend how insignifi-cant they appear to me in comparison with that which not only imputes to me a military off-nce, but impeaches my personal honor as a private gentleman. It is my purpose to examine them each, and to rely on no merely technical defence as to either. For the result of this trial it would be sufficient for me to show that neither of these charges has been clearly and specifically established, by irresistible proof, beyond all reasonable doubt. Showing this, and no more, I should be entitled to an acquittal. But I desire that this paper, side by side with the accusations against me, shall exhibit their complete refutation—not in form only, but in substance and in spirit; and to this end it is necessary that, stance and in spirit; and to this end it is necessary that, was not in pursuance of the coording to its fair and natural import, was, in the judgment of the Secretary of War himself, clearly within my official competency, and "perfectly satisfactory" to him? The question, then, remains, Was that order the sole authority given by me to Col. Huger? Let him answer it himself. I put the question to him roundly and distinctly, "Had you any further or other authority from Gen. Talcott paper, side by side with the accusations against me, shall exhibit their complete refutation—not in form only, but in substance and in spirit; and to this end it is necessary that, even at the risk of being tedious, I should review in detail every act and every declaration which has been arrayed against me, from the beginning to the end of the period covered by the charges and specifications. I am not uncon-scious that upon such a review it is possible that very differ-ent conclusions may be reached by different minds, though actuated perhaps by the same desire to discover the truth. In my commentary, therefore, upon the extraordinary inferences which have been drawn, in a high quarter, from circum-stances which, to say the least of them, are surely not irreconcilable with pure and innocent intentions, I shall be far ored them with the dark bues of infamy and guilt. I am not now to learn for the first time that there is a disease which sometimes, though rarely, infects the most honorable minds, but usually by contact with baser spirits a disease of jaundiced suspicion, which no sooner is communicated to its subject than "trifles light as air" become "confirmation strong as proofs from Holy. Writ." You, sir, and gentlemen, will approach this subject, I am sure, with no such foregone conclusions. You will approach it, remembering that your inquiry is for the motive and intention of a man whose life has not been spent in holes and corners, but who has walked openly, and in the light of day, upon the who has walked openly, and in the light of day, upon the same theatre which your own footsteps have marked with time to a reasonable extent, if they could be had on favorable transactions entered the dark and tortuous path of infamy, has, without any imaginable motive, suddenly turned his back upon the object of his pursuit through life, and thrown away, in the merest wantonness, a treasure for which that life would have been too small a sacrifice. And here, better than elsewhere, I may invite your atten-

tion to that which cannot be disputed, and which, at the out-set, pours a flood of light over the whole field of investigation : mean the total absence of the imputation, or fair suspicion, of any motive for the commission of the offences which are charged against me. I am charged with violating the 132d article of the ordnance regulations in approving and allowing a contract, in relation to which not only is it not charged that I had any interest, but upon a state of facts, as you will see when I come to apply them to this question, utterly repug-nant to and irreconcilable with any such interest. I am charged with wilful disobedience of orders and instructions from the Secretary of War, when upon the same state of facts no conceivable motive can be assigned for such disobedience. And, finally, I am charged with repeated falsehoods and false reports, when not only the same entire absence of motive is apparent, but when the veriest dolt on earth must have seen that imminent inevitable detection stood ready at his right hand, and open shame was staring him in the face.

those great rules and springs of action as applicable to me as to yourselves? So manifest and so impossible to be passed over does this great gap in the case appear to me, that I cannot but suppose that those who framed these charges, and who considered them worthy of your attention, must have those mysterious personages "not connected in any manner with the Department," who, it would appear by the testimony of the honorable Secretary, have stood ready, even during the progress of my trial, to make suggestions to him that other facts existed than those which his vigilance had suspected, and that these facts were of importance to be searched for and found. I refer particularly to the letter of Col. Huger, which in its regular place among the files of the Department, upon the suggestion of "a gentleman not in any manner connected with the Department." I proceed now to an examination of the charges and specifications in detail : CHARGE I. Violation of the one hundred and thirty-second article of the regulations for the government of the Ordnance

Upon this charge I remark, first, that it alleges that I have violated an article which expressly and by its terms purports to regulate the conduct of officers and sgents of the Ordnance department inferior to the chief of that department, and which, neither by its terms nor by any fair implication, lays any injunction upon the chief of the department or prescribes any rule for his conduct. If this be so, it will require no argument to show that it is not legally or logically possible that I can be guilty of a violation of that article, upon any state of facts whatever. A man cannot violate a law which does not prescribe a rule of conductfor him; for as to him it is no law. The language of the article is as follows:

"No contract for the service of the Ordnance department all be made by any officer or agent thereof, except by special authority FROM THE CHIEF OF THE ORDNANCE DEPARTMENT, call authority from the CHISFOF THE UNIVARES DEPARTMENT, sanctioned by the Secretary of War; and all officers or agents making contracts shall strictly observe the provisions of the laws on that subject. (See Appendix No. 2) Contracts shall be made in triplicate, one of which shall be forwanden to the Chief of the Ordnance department, at the date of the contract, that it may be deposited in the office of the Second Comptroller within ninety days thereafter, as the law directs."

The question is, to whom is the command addressed ? The persons to whom it is addressed are directed, before making any contract, to obtain my special authority. Can I, then, be one of those persons? Not unless this abourd construction be given to the article, that before making a contract I shall take care to get my own special authority to do so. The persons to whom it is addressed are commanded to forward one copy of the contract to me. Can I myself be one of those persons? Not unless the regulation has imposed upon me the duty of inventing some mode by which I can "forward" one copy of the contract to myself. If, therefore. had made a contract, and if the making of that contract was unauthorized and improper, surely nothing can be clearer than that my offence, if any, is not a violation of the 132d article, and consequently that I am not guilty of the first charge. But, in fact and in law, I made no contract. Not only did I make no contract in the sense and within the terms of that article, but I made no contract in law or in fact, in any of that article, but I made no contract in law or in fact, in any sense whatever, general or special. Nor, indeed, does the specification under this charge impute to me that I made a contract; for it first distinctly charges that a contract was made by Col. Huger, under the authority of my letter of the 6th November, (of which I shall speak hereafter;) then that I, fifteen days afterwards, being informed of this, "did allow and approve the act of the said Huger;" and concludes as follows: "THERERY permitting and sanctioning a contract," &c. So that, the charge being that I made a contract, the specification in support of it sums up all the facts (with a thereby) in a totally different offence—to wit, the subsequent approval of a contract made by another. But, in point of fact, as I shall show you, there was not either prior authority or subsequent assent by me.

in point of fact, as I shall show you, there was not either prior authority or subsequent assent by me.

First, as to previous authority. The specification sets out the contract and the supposed authority. Can it be necessary to do more than to collate these two written papers, and side by side to compare them, in order to decide at once that that order is no authority for that contract? No one can have read them without expecting that if the making of that contract was to be charged to me, some other or further authority would be proven than what is contained in that letter. Even the Secretary of War, to whom a copy of it was commu-Even the Secretary of War, to whom a copy of it was commu-nicated in my report of the 27th of January, did not so under-stand it. In his testimony on that point, he says:

"This answer (viz. the report of the 27th January, enclosing a copy of the order of the 6th November) being perfect.

LI SATISFACTORY, I ceased to think on the subject until my attention was again culled to it a short time after, by Mr. Green

that the authority assumed in that order was usurped, in vio-lation of the regulation, because not sanctioned by the Secre-tary of War, the Secretary himself has here testified before you, on oath, that my report communicating to him that I had issued such an order, and transcribing the order word for word and letter for letter, was by him considered "PRIFECT-LY SATISFACTORY," and that he "ceased to think upon the subject." How could this be, if he d d not understand, as I subject." How could this be, if he d d not understand, as did, that I had the authority to issue that order? If any sanction of his, previous or subsequent, express or implied were necessary, has he not here, on oath, placed it upon you record, in the declaration that the report communicating it order was "PERFECTLY SATISFACTORY," and that he "cess Maynadier, the principal assistant of the bureau, and a wit ness for the prosecution, not on his cross-examination, bu while in the hands of the learned and gallant Judge Advocate. He says: "I always supposed, and trequently mentioned to Gen. Talcott my firm belief that Col. Huger had exceeded his instructions in giving the order to Dr. Carmichael, and the his conduct in giving that order was to me totally inexplicable." This when he was familiar with every word in the order of the 6.h November! Need more be said or recapituas to either. For the result of this trial it would be lated to show that the contract, if any contract was made, ient for me to show that neither of these charges has clearly and specifically established, by irresistible proof, that that letter, according to its fair and natural import, was, of the 6th November, recited in the charge " His answer is simply and distinctly, "No." Not only is this testimony entitled to be received as conclusive on account of the characte and standing of the witness, his position here as a witne for the prosecution, and the powerful inducements, if it were possible, for him to swerve from the truth—all operating to lraw from him, in the strongest terms, his own justification for the order given by him-but there is no particle of evidence upon the record giving you the slighest ground for epriving it of one atom of its controlling and overwh weight upon this part of the case. When I inquired of his in an unofficial letter, "Do you want any shot or shells for Fort Monroe? If so, what quantity and calibers?"—his re ply on the 5th giving me no information to enable me to caus such purchases to be made, as I had supposed might be re quired-my letter of the 6th of November parting in no degree from the idea which I originally enter tained that purchases to a limited extent might be necessary not expressly or impliedly authorizing or contemplating the complete armament of the fort, or large supplies, or any thing like it, but plainly and clearly, in as simple words as language terms, and by open purchase only: This my sole authority to Col. Huger, and my sole reply to his letter, was read and considered by the Secretary of War, under the peculiar circumstances already adverted to, and was regarded by him as " PERFECTLY SATISFACTORY." It is not to be imputed to him that he did not know his duty-that he was not acquain; that order contained any thing more than I had the clear right to do, it is impossible that it could have been " perfect ly satisfactory " to him, or that he should have ceased to thin upon a "subject which had been brought officially and directly to his notice"—the usurpation of power, and the violation of law, by the head of one of the bureaus of the department con fided to his charge. If any thing further were needed on this point, it is to be found in the order issued by the Secretary nearly three months after my letter of the 6th November, which directs that the heads of bureaus of the department should not THEREAFTER "make or authorize any contract for supplies, or for arms and munitions of war, to be furnished or for services to be performed, to an amount exceeding two thousand dollars, without previously submitting sucleontracts or propositions to the Secretary of War"—an order which was perfectly nugatory and unmeaning, upless, indees such previous sanction had not been required theretofore i and, and open shame was staring him in the face.

Am I that monstrous anomaly in human nature, so to act lars. The Secretary says that he was informed (and it is to I was informed of what he had done under it.

> struction of the article, tacitly approved, and was a sufficient justification of an act done in accordance with it. To this pint, also, is the testimony of Gov. Marcy. Nor was there any subsequent approval by me of the order given to Doctor Carmichael. I shall have occasion presently to review my conduct in this respect, with reference to the la charge. At present I content myself with saying that no such approval has been proven. On the contrary, Col. Huger, who alone could prove it, and had every motive to do so, if it had taken place, has testified that I expressed my surprise at the amount of the order he had given, when it was first made known to me, and when, as I shall demonstrate, at the same moment all the necessary steps were taken to make that order, or purchase, or contract, or by whatsoever name it may be scribed, as completely dead and null and void as if it he never for one moment existed. And when afterwards he is pressed by the Judge Advocate on this point, and his attention called directly to the same period by the following question:

press whether the sanction is to be previous or subsequen

If, therefore, such practice did exist, it was a practical con

"You say on the cross-examination, and in answer to the question next before the last, that you had no further authority from Gen. Talcott in reference to the procuring shot and shells than the order of the 6th November. Do you mean that you received no authority from him personally here in November,

"None whatever; unless his approval of my letters to Anderson by Capt. Stone, and mine to Kemble, be consider-ed as such, which I no not."

There was, then, neither prior authority for nor subse quent approval of the order to Carmichael set out in the speci-

The second charge I shall dispatch in a few words. ture to affirm that no precedent could have been found for a charge and specification of "wilful disobedience of orders and instructions," in which it is not charged distinctly and specifically that orders and instructions were in fact given, and what those orders and instructions were. Yet such are the charge and specification—not, indeed, from any fault of the Judge Advocate; for his learning and ability in such matequal case and grace as he now wears the epaulettes of the oldier, and the pen is as familiar to him as the sword ; but ecause, in fact, no such orders or instructions were ever iven, and none have been attempted to be proven. Indeed, be honorable Secretary has virtually abandoned and renounced this charge upon his examination here, when he said that, in stating at the interview with Mr. Anderson, in April last, that "the question was whether an order of the Department had been disobeyed," he supposed that the shot had been made subsequently to the regulation of the 29th January, and that the order referred to was that order only. If he had given an order, or any thing like an order, in reference to Doctor Carmichael specifically, it is not possible that his mind would have passed over that order, with which the precise metter was directly connected, to refer the disobedience to a general regulation made long after the order of the 6th of November, which had then been two months before submitted to him. But I aver that there was nothing said or done by the Secretary, at the interview with Doctor Carmichael in November which implied, or could lead me to imagine, that he meant to forbid the making of any purchases or ordering any supplies from that person. The matter before him gave no occasion for the expression of his wishes on that subject. It was a distinct, specific application by Doctor Carmichael for a certain specified contract in redemption of the pledge which he al-leged he had received. I aver that I heard nothing of any other application, or any other pretension, by Doctor Carmi-chael treated of or decided by the Secretary. This decision was, that there had been no recognition of the pledge, and that he would not recognise it. I certainly so understood it, and so referred to it, when I next met him, as he has himself testified. But, in order that there might be no doubt upon the subject, I put the question distinctly, whether any other application than the one specified was in fact made; to which he gave no other answer than by recapitulating the arguments and previous suggestions used by Doctor Carmichael in support of his pretensions; and when asked if he had ever told Doctor Carmichael in my presence that the Department was not in want of any sheet he was cold give his impressions.

tendered the papers to him, or whether, that question being answered in the affirmative, he requested me to hand them to him. This conduct, however, the honorable Secretary has again and again repeated and reiterated he thought "singular" and "surprising"—"a conduct for which he could gular" and "purprising"—"a conduct for which he could not account." And being asked by a member of the Court thether there was any thing in the circumstances authorizing him to suppose that I would not have expressed my opinion rusal of the papers, he answered not by specifying any such circumstance, nor by expressly admitting that no such circumstance existed; but as follows:

when Doctor Carmichael asserted that there had been a writ-ten recognition of the contract by Mr. Crawford, was increasten recognition of the contract by Mr. Crawford, was increased by his remarking the next day, or a day or two afterwards, that I was right, was, that I had supposed it possible that General Talcott might have ogreed with Doctor Carmichael in supposing that the letter of Mr. Crawford amounted to a recognition; but when he said he agreed with me that there was no such recognition, my surprise at his silence increased, because I did not know how to account for it."

From this it would seem either that the Secretary regardd that paper as really susceptible of two constructions, o that he was vacillating between the two opinions, that I was either a knave or a fool. If I have seemed to dwell too long upon this point, I beg the court to remember that, in order to s between two persons, one of whom is the sole witness, and the other the accused, whose statement in no evidence, it is of the first importance that you should as far as possible enter into the minds of the parties respectively, and discover with what preoccupations and upon what foregone conclusions they severally spoke. The question is not what words were uttered, but with what intent and meaning they were stread.

Without enlarging upon this suggestion, I proceed now t show what ideas occupied my own mind on the various occa-sions referred to in these specifications; as to which I remark, in passing, that, if I have correctly noted the testimony, it falls short by one of the number of conversations alleged. It is abundantly clear upon the record that from the date of my letter to Col. Huger of the 6th of November, up to the re-Washington on special duty; with directions to reply to it, as a contract existing.

I knew nothing of the facts to which it related; that he then first communicated to me what he had done upon the suppesed authority of my order; that I "expressed my surprise" at what he had done; that I also, in reference to the offer of the order for sale, told him that "the Secretary of War would tion of the order so indiscreetly given to him, even if at any ment? Who, except Mr. Anderson, affirms that there was? Does the prosecution assert or admit that there was? Does the Secretary of War assert or admit that there was? If he does, by what right, moral or legal, does he, when made acsted with all the facts, prevent the execution of that contract? As I asserted when in entire ignorance of the fact that any shot had been made, or any attempt to induce Col. Huger to recede from the position which he had taken under my directions, so I now assert and maintain that no such contract existed. Not only was there never any contract in the sense of the ordnance regulation, or in any strict legal sense, but the particular purchase attempted by Col. Huger, in misapprehension of the terms of my authorization of the 6th of November, had fortunately entirely failed, so as to leave no pretence whatever of any obligation upon the Government to accept the performance of the order so impru-dently given to Doctor Carmichael. And this state of things, be it remembered, was brought to my knowledge simultane-ously with the first information of the fact that Colonel Huger had given that order. Am I wrong in these concluons, or either of them ? You have before you, in the shape of testimony as to the usage of the Department, the incid jurists in the country, the Hon. John C. Spencer.

peaking of the usage, he says : "Orders for articles, such as cannon and shot, were, according to my belief, given long ahead of their manufacture, at specified prices, and these were never regarded as contracts, because a contract implies an obligation on each side, the one to furnish, and the other to pay. But an order for articles, at a specified price, received by a party, creates no obligation on his part to furnish the articles. Nor, indeed, does it create a philipatic on the party is in the color of these is no conan ebligation on the party giving the order; for there is no consideration for it, and it is revocable at any time."

This is not the tribunal or the occasion to enlarge upon this point, nor is it necessary to do more than refer to it in passing. Certainly there can be no two opinions upon the point that an order to Doctor Carmichael, given with the distinct agreement that it should be executed at a certain foun-dry, and under a specified superintendence, (the freight from that certain foundry being calculated and turned into the price,) could not be binding in morals or in law when transerred to another person, to be executed at another foundry, and under different superintendence; above all, when, as appears in the case from the statement of Captain Stone, who, at the request of Col. Huger, arranged the details with Dr. Carmichael, his particular attention was at that very time called to shot or shells received from the very foundry to which the order was afterwards assigned, and the fact that they were not fabricated satisfactorily remarked upon by Captain Stone. This last fact, though unknown to me at the time, is mate rial as to the fundamental assumption which lies at the bot-tom of all these specifications, viz. that there was, in truth, tract, the existence of which I knew and denied. Nor can it be questioned that if Colonel Huger's or-der in the first instance constituted a contract, neither the pro-prietor of the Tredegar works nor any other person could acevidence by the prosecution, states this point clearly and correctly: "Witness directed Captain Stone to return the power of attorney to Mr. Anderson, and inform him that he conof the order, and that Mr. Carmichael had no right to make such a transfer, and that he (witness) would not recognise it." An attempt has been made to show apparently that such evasion is countenanced and admitted at the treasury. Upon this I have no further commentary to make than to say, that, if such is the practice, it is in violation of the law in letter Doctor Carmichael in my presence that the Department was not in want of any shot, he can only give his impressions, qualified with the declaration that he "would not be positive." Is this the evidence upon which an officer is to be convicted of "wilful disobedience of orders and instructions?"

Chare III. I pass now to the remaining charge. The first specification has been fully answered in what has been

analy mentioning the most being made at the works of Richment, when it occurred to ric that reastnut Colonel Huger might be making shot under that reastnut Colonel Huger might be making shot under that of the Secretary of War himself, two capacity to exact the said contract otherwise than through things result, conclusively, viz:

From this testimony of the Secretary of War himself, two capacity to execute the said contract otherwise than through things result, conclusively, viz:

Frist. That the Secretary of War—'hio, be it remembered, and had previously been informed on two distinct occasions by Mr. Thomas Green that "the Tredegra works had a large contract for shot for the War Department," and that "a most be tried here at less not by suspicions, but you had not result in a sufficient on the same siderable quantity was piled up in the foundry yard, we some where about the foundry? and who had his suspicions a vote and his mind turned directly to the investigation of this very point—received from me and had an official copy of that had not construed as authority for the alleged contract, or could even tend to render it probable that the information he had received downer, with the aid of Mr. Thomas Green, "it occurred to the construed as authority for the alleged contract, or could even tend to render it probable that the information he had received him that was naxing at the Colonel Huger xear be making shot under that order."

And, secondly, that whereas it is now charged against me that the authority samed in that order was usurped, in violation of the regulation, because not sanctioned by the Secretary made that any the angel of the courted to him the side of Mr. Thomas Green, "it occurred to him that was naxing at the Tredegra works in the side of Mr. Thomas Green that could be construed as authority for the alleged contract, or could even the found of the terms of the same and the surface of the 6th November, without imagining that it could be construed as authority for the alleged contract, or could ev without heagining that any human being would see more in that inquiry was, or in what language it was expressed, it than common courtesy and official duty combined, until the though this is material in order to understand the answer, and further testimony of the witness disclosed to you that he infurther testicuony of the witness disclosed to you that he indeed thought "Iwas strange, 'twas passing strange, 'twas be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. But it may be inferred from whether it was true and to the point. It has a large true from the point. It has a larg of record—without incurring the obligation to interrupt the conversation between them by flat denials of the pretensions such confract existed." Whether upon this occasion, or upon of the claiman, at the risk of having his own fidelity suspected, certainly never occurred to me; still less that such that in point of fact there were no shot making at the Tredesuspicion could arise when, as the Secretary himself has suspicion could arise when, as the Secretary himself has stated, I held the papers, and all the papers necessary to show the whole truth of the case, in my hand before him, in such a manner as naturally to lead him to ask at the proper moment, "General, are those the papers?" Nor can I suppose it to be material whether I instantly sprang to my feet and tendered the papers to him, or whether, that question being supposed to the could possibly have understood me as peremptorily despaced in the efficiency of the could possibly have understood me as peremptorily despaced in the efficiency of the could possibly have understood me as peremptorily despaced in the efficiency of the could possibly have understood me as peremptorily despaced in the efficiency of the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could possibly have understood me as peremptorily despaced in the could provide the could prov department. It is not to be imagined that the Secretary of War could possibly have understood me as percaptorily denying, here in Washington, the existence of facts alleged to be in Richmond. All that I could deny, and all that it was reasonable in him to inquire of me was, that no such facts existed by or under the authority of the Ordnance department. To have undertaken to go further than this, and podively to contradict physical facts alleged to be occurr more than one hundred miles beyond my range of vision lusion upon a pe- would have been to offend his common sense, and to have re nounced my own. So the Secretary himself m snifestly un-terstood it; for, upon Mr. Thomas Green's second report to him, he renews the investigation in writing, as it now appears, though I had no intimation at the time that his purpose was other than a general one; and the correspondence be-tween the Department and the Bureau, comprised in the six papers on your record of dates from the 21st to the 27th of January, including a copy of the order to Col. Hogar, speaks for itself; and shows that the inquiry was simply as to existng contracts and charges upon the ordnance appros riations cannot escape your notice, as it has painful y forced self upon my own, that the course pursued by the & ecretary

upon this second occasion indicates too clearly that fix m some source or other his mind had been so shused as to make that acter, that he thought it necessary to epproach me with generalities in order to get at the truth. But I cannot a bandon upon this point, I beg the court to remember that, in order to the expectation that, upon a review of the whole case, he too a just decision upon the remaining accusations, which depend will see that he has unintentionally done me the great st in-You have now the key to all the specifications imputing alsehood to me. In the mind of the Secretary was thing ; in mine another. If, in these repeated arraigna tents of me, I manifested, as he has said, some impatience and heat, it was because I understood him to be again and at ain renewing an inquiry which I had alread; fully and wuly an-swered, and in regard to which no single new fact, or reas on to believe a fact, had come to my knowledge from the date of my first answer to the date of my declaration that the re was not a word of truth in Mr. Green's letter. Down to the date of my interview with Mr. Anderson, who happened be in Washington when that letter was referred to me never imagined that any act or word of Col. Hager had in letter to Col. Huger of the 6th of November, up to the receipt of the letters from Mr. Kemble, I knew nothing of the order given to Doctor Carmichael, nor had any reason to imagine that any such order had been given; that upon the receipt of that letter I referred it to Col. Huger, then in Pudiated and finally rejected, and no contract or prefere for Washington Nor do I mean to say that what had occuered, and was unknown to me, did in fact vary the condition of things. It is not pretended that I knews any of those facts. The only circumstance which appears to have been relied on as bearing upon this point is, that Cap.t. Morthe order for sale, told him that "the Secretary of War would be incensed, and justly so, if an order for supplies should be hawked about in the market;" that I refused my assent to any transfer of it; that he accordingly repudiated the proposed there was no objection to sending them; to which I answered, "I suppose not." But he rim self has testified that there was nothing either in Col Huger's refused that of the letter to Col. Huger; and promptly after I was informed of what he had done under it. It was now clear that Doctor Carmichael's representations to Col. Huger were required to make a few shot for experiments, and to that he believed at the time that such was the object. I had no reason to believe, and did not believe, that it had any reference to the execution of the order, the transfer of which is decay mentioned to me casually that Col. Hoger had request previous sanction in cases exceeding two thousand dollars.

The 132d regulation itself, if by a violent construction it can be held applicable to the chief of the bureau, does not expressions or replacement. The sanction is to be previous and could not be fulfilled by him, and that in his own hands the order, if it ever had validity, was null and void. From the date of his assignment to Mr. Anderson the procuring of shot or shells for practice and experiments, the procuring of shot or shells for practice. tion of the order so indiscreetly given to him, even if st any time that order constituted a contract, or imposed any binding obligation upon the Department. It was equally clear and indisputable that by the express terms of the regulation No. 133, if any rights whatever had vested in him as a contractor, they could not "be transferred to any other person or persons" under any circumstances whatever. Was there, then any contract outstanding for shot for the Ordinance department? Who, except Mr. Anderson, affirms that there was? Those the presention asset or admit that there was? Those the presention asset or admit that there was? the allegation that there was some contract or arrangement by which the Tredegar works, with my knowledge and authority, were engaged in making a large quantity of shot for the Department. He fully sustains me in this upon his last cross examination, when, in answer to a question presenting. that view of the matter to him, he answers that, in the inquiries which he made, he took it for granted that the shot could not be making without my knowledge and authority. If this was so firmly rooted in his mind, can you doubt the have uttered falsehood while truth stood over me, scourge in hand. Could I know that Mr. Anderson, relying on actaand letters of Col. Huger, was engaged in executing an order
drawing largely upon his means, and claiming the rights of
a contractor, and yet deem that his mouth was to be closed
and his powerful motive of interest be stilled by my simple
denial that such things existed ? Can you impute to me
such a wretched idiot's plot as this? Must not a fool have
such a wretched idiot's plot as this? Must not a fool have
seen that that the tidevil that will not down" interest the institutions. seen that that "devil that will not down"—interest—the in-terest of a contractor whose investment as well as profits were at stake—would tear off the flimsy veil with which I

> his money, and yet not make one step towards him—one flattering effort to stay the blow so sure to follow? And yet not a word or sign from me to him, on from him to me, ever passed on the subject, until he answered in person my note of April, when directed to report on Mr. Thos. Green's letter; for, although warned that nothing would be valid without my consent, he made no approach to me, but doubtless took it for granted that, as no fair construction of my letter could authorize, so no approval by me could ratify the order or its assignment.
>
> Mr. President and gentlemen, I have perhaps passed ove

many things worthy of comment; but this paper is already extended to an unreasonable length, and I feel satisfied that I have said all that is necessary for my defence.

Reviewing my conduct now from the humiliating position which I have been placed, I cannot but still believe that if bave fallen into any. error, it is one which sprang from a kind and generous motive.

I submit my cause to you with entire confidence. Even if this were a contest in which either the distinguished prosecutor or myself must fall, I should not doubt that you would administer even-handed justice without respect to persons. But this is no such case. Now that all the facts have been thoroughly ascertained, I think that you are satisfied that so by whatsoever contribute of interesting the form of an assignment might be suppressed or evaded. Gol. Huger, in his far as any statement made by me was understood to import written deposition before the Secretary of War, here given in more than the truth justified, it was simply the result of mis-

more than the truth justined, it was simply apprehension on one side or the other.

To you, sir, and gentlemen of the Court, I beg to return my thanks for your patient attention during the trial, and to the Judge Advocate my acknowledgments of the courtesy and candor with which he has discharged his dary.

GEO. TALCUTT.

Bt. Brig. Gen. and Colonel of Ordnance I. M. CARLISLE, Counsel.

George Long, the negro boy, about twelve years of age, who some weeks ago murdered a child at Baltimore by the name of John Rumpf, has had his trial in that city, and been found guilty of murder in the first degree. In rendering this found guilty of murder in the first degree. In rendering this verdict, however, the Jury state d that it was their desire to accompany the verdict with a rananimous recommendation to the Governor to commute the punishment of the prisoner to imprisonment in the Penitenziary for life. WASHINGTON

Liberty and Union, now and forever, one and

SATURDAY, JULY 12, 1851. FOURTH OF JULY TOASTS.

given to them, were always in the main patriotic. Every where through the United States, with the exception, we believe, of the State which has undertaken (figuratively speaking) to eclipse the Union, and mean to sustain them. Union, the Toasts at the late Anniversary exhibit a redominant attachment to the Union and the Government of the United States. We were particu- word of which we cordially assent: larly struck, on looking over the account of the toasts-a majority of the whole were in direct allusion to the Union, expressive of its value, and invoking its perpetuity.

We quote two or three as indicative of the genral sentiment:

By J. H. Sherrard-The Union of the States: Its " best

By William B. Hollis-Our Country : Long may it tri amph over its oppressors, and may the wreath of independence continue to bind our hearts more closely to the Union By Henry G. Von Riesen—Our Glorious Republic : United we stand, divided we fall. No North, no South, no East to West. The Union forever.

A most revolting contrast to these proofs of genu ne patriotic sentiment is exhibited in a paper now pefere us, (the Columbia Telegraph of the 7th inst.) n an account of a Celebration at Rossville, in Cheser district, South Carolina, at which, after a Dismion Address of nearly two hours from the Hon. R. B. RHETT, thirteen regular toasts were drunk. every one of which inculcated sentiments of mortal enmity to the Union. Take the three first of them as a sample :

The 4th of July : We meet not to rejoice in the possessio liberty and equality, but to revive the spirit of a glorious cestry, and reconstruct the edifice of constitutional liberty. The Union: The North values it for power and plunder. he South is the viztim. The Institution of Slavery, the conservative feature of Re-

oublican Government: History furnishes no instance of a asting republic where it did not exist. The numerous Volunteer Toasts excelled in viruence even the Regulars. We select a few of them,

by which the whole may be judged : By Major T. Stark, President of the day-The Revolution '76 : It began with blows, and brought co-operation. South Carolina values the example, and is preparing to strike for

By A. H. Gladden, Intendant of the Town-The neliticians of South Carolina : The crisis is at hand. Eternal inamy to all who shrink from it.

By James A. Black : A Republic of the South if possible not, the Republic of South Carolina. By Lt. Col. William Wallace-The integrity of South Carolina: May our State speedily take such action as will drive from her forts a foreign foe, and from her soil those

By Gen. J. W. Cantey-South Carolina : Separate action, if co-operation cannot be obtained. Quitman or Davis the first President of the Southern Confederacy.

best citizens" who would fly their country at the approach of

By A. S. Johnston-South Carolina : For seventy-five ears, under the flag of the Union, she has been winning perty and land, glory and gold, to be plundered from her by her faithless partners. When she next calls upon her sons to shed their blood, may it be for her own benefit, under the anner of the Southern Confederacy.

We: understand that Senor Don Felipe Molina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Costa Rica, yesterday presented to the Secretary of State his credentials, and was ALL SIVES AND IN ALL BARTS OF THE COUNTRY, THAT WE

An ineffectual effort was made in the VIROTNIA CONVENTION on Wednesday to reconsider the vote of the 2:1st May, by which the compromise basis of representation was adopted. The reconsideration was ref used by a majority of three votes-yeas 59, nays 62. The subject gave rise to considerable discussion, during which a motion was submitted for an adjournment of three or four months, to afford the people an opportunity to express their opinior upon the subject. This proposition failed. The Convention has now under consideration the subjects of taxation.

The Albany Argus argues that the Whig party assertion that he conveyed the same idea to me, and fixed my attention upon it as the substantial and only object of his inquiry? That I answered it truly, I appeal to this record to establish before the world. Take any other view of this case, re-election of Mr. Baldwin, who did not support in the Legislature of Connecticur voted for the and great damage has been done to the growing re-election of Mr. BALDWIN, who did not support and you must positively stultify me. You must believe that the compromise measures. Will the Argus admit, sippi. Missouri, and their tributaries, the bottom in an evil hour a double curse suddenly descended on method the loss of common honesty and common intellect. Not only must I, without motive, have become a lier, but I must only must I, without motive, have become a lier, but I must only must I, without motive, have become a lier, but I must only must I, without motive, have become a lier, but I must only must I. Deliver, who did not support the support of the compromise measures. Will the Argus admit, lands have been submorged for weeks, and the only must I, without motive, have become a lier, but I must only on the same principle, that the Democratic growing crop has been entirely destroyed, so late mem bers of the Massachusetts Legislature elected in the season as to preclude the possibility of rethat the former. Mr. Baldwin, at least, is no and a vast quantity of live stock has perished in

A contemporary remarks upon our having desigwere at stake—would tear off the filmsy veil with which I had covered myself, and leave me naked and covering before the world? Is it credible that I should have attered false-hood after falsehood while I baheld the figure of Mr. Anderson already advancing upon me, armed with bills and estimates, and gauges and letters, and pointing triumphantly from these to a pyramid of shot at Fort Monree, to demand the west of the following toast to Springna ted the late National Anniversary as the " Seven- Thursday. The act providing for the enlargement

field, to be read at the celebration of the Fourth of July there:

"THE UNION! God in his mercy grant that no apocalyptic writer may see the Commonwealth of Massachusetts fall from that Firmament !"

A SIGN FROM VERMONT .- The Whigs of Winds

nam county met in convention at Fayetteville, July list, 1851, and passed resolutions declaring that they regard the measures of adjustment as "an amicable, and in principle and substance a final, settlement of the whole matter." The Democratic Convention for the Eastern

district of Texas-that recently represented by Mr. KAUFMAN-have nominated RECHARD SCURRY for Representative in Congress. There are three other Democratic candidates in the field in the same district. The Hon. A. H. CHAPPELL has been nominated

gress in the third district of Georgia, lately repreented by the Hon. ALLEN F. OWEN, (Whig.) now Consul at Havana. Hon, ELISHA H. ALLEN, United States Consul

t the Sandwich Islands, arrived at Boston a few

Col. G. W. HOCKLEY died at the residence of Col. Kinney, at Corpus Christi, on the 9th ultimo. Col. Hock-LEY was one of the most distinguished soldiers in the revolutionary army of Texas, and served with great credit in the plored throughout the State, - Texas paper.

THE CANVASS IN OHIO.

The WHIGS of the great State of Onio have, as far as we can see, been singularly fortunate in the selection of their candidates to be placed before the People for the higher offices in the State Government. For the office of Governor, especially, their condidate is a man of large experience and strong intelligence, and equally without fear and without Toasts on the National Anniversary used to be reproach. One might search the United States onsidered as evidence of public sentiment on Na- throughout and not find his superior in all the tional affairs, and, whatever party complexion was qualities of a good citizen and of a wise and upright legislator. It has made us happy to discover, in this selection, proof that the Whigs of Ohio understand the true interests of their State and of the

In the Zanesville Courier of the 5th instant we find the following remarks upon the subject, to every

"Mr. VINTON's nomination was unsofficited and unexpected !. celebration of the Anniversary at Winchester, by by himself. Retiring of choice from an arduous course of the fact, that out of about forty volunteer toasts public duty, which had much impaired his health, his purgiven on the occasion-there were no regular pose and his wish had been to remain in private life; but, in 1 the present position of the affairs of the State, he has not felm it his duty to disobey the public voice that seks the assistances of his experience in launching the ship of State upon the untried waters where will be her fature pathway. We honor Mr. Vennon for this sacrifice of private predilection to the public good. Enlogy of such a man is superfluous. His t past life furnishes abundant material for the highest praise, A security a faithful observance of the "Rights of the States and if the people of Ohio consult their own interests they wilk :"
and "guarantees of the Constitution."

> The canvass opened in Zanesville on the 4th in- . ! stant by a gathering of the Whigs of that place and the vicinity as soon as the nomination was made known." to them, and their calling apon Mr. VINTON, who happened to be on a visit at a relative's in Putnam; on which occasion he was introduced to the assemblage by Gen. Goddard, who, in so doing, s happily alluded in general terms to his character as statesman, and with suitable emphasis directed attention to one or two particular actions during his long Congressional career which had been productive of more than ordinary benefit to the country at large. Mr. VINTON's reply was brief, the first part of it being confined to questions of State . concern, the merits of the newly-adopted Constitution, &c. His closing observations, however, referred to the relations of the States to each other and to the Union; and, coming from so eminent a citizen, must command universal attention :

"You have," said he, "done me the honor to advert in very complimentary and gratifying terms to a speech delivered by me in the House of Representatives on the bill to admit the States of leves and Florida into the Union. That speech was delivered at a period of public tranquillity, and before the feelings and passions of the public had been excited and roused by the agitation of the question of the annexation of Texas, and the other great, disturbing, and unhappy controversies hat have since flowed from that measure as-their common and primary source. I had been led to reflect what influence the great Valley of the Mississippi, in which we dwell, was destined to have on the stability of the Union. My own reflections conducted me to the conclusion that the sure and abiding conservative power of the Union was to be found in that great heart of the country which lies between the Alleghany and Rocky mountains; that for its own self-preservation it must ever hold in check the centrifugual tendencies of the extremes, both on the Atlantic and Penifie, and especially on the former ocean; that Nature, as a duty of overroling necessity to ourselves, had made us the guardians of the integrity of the Union. And, however the political elements have since been agitated and disturbed, I still adhere with abiding faith to every opinion them uttered by me. But enough has since transpired to satisfy all cool and reflecting men that, in the performance of the high duty and destiny of guarding the integrity of the Union, while we must exact from all others a faithful observance of the requirements of the Constitution, we must ourselves be equally ready and willing to respect all the rights that are secured to them by that instrument. IT IS ONLY BY THE OBSERVANCE OF THIS RUDE, ON

resolutions passed by the Whig State Convention of CALIFORNIA, recently held at San Francisco, is the following :

" Resolved, That the recent compromise measures adopted by Congress receive our cordial approbation, and in defence of the Constitution and the Union we will ever be found faithful and true.

THE OVERFLOW OF THE MISSESTEPI.-The St. Louis Intelligencer of the 2d instant says that for more than three weeks the leves in that city has been entirely submerged, and all the stores on Front street filled with water to the depth of several feet. Business has been in a great measure suspended, crops. For hundreds of miles along the Missis-

State of Naw York was brought to a close on of the Erie Canal, the principal measure of the session, passed the House of Assembly on Wednesday by the decisive vote of yeas \$1 to nays 36. It had previously passed the Senate by even a larger proportionate majority, and has become a law; the most important act of legislation by any State within our memory, excepting perhaps the first canal law passed by the Legislature of the same State.

THE LATE GEN. JAMES MILLER.

The death of Sen. MILLER is announced as having occur :red in Temple (N. H.) on Monday evening, the 7th instau :. The immediate occasion of his death was a stroke of par alysis, which he received on the 4th of July. Gen. MILL' SR. was seventy-six years of age at the time of his death. He was born in Peterboro', (N. H.) and was bred to the pro'ession of the law. In 1810 he entered the United States art ny, and served with distinction throughout the last war with Great Britain. He rose rapidly from the rank of captain tothat of major general. He was present at Tippecanoe, under Gen. HARRISON, but was prevented by sickness from taking part in the bettle. He rendered eminent services in the battles of Chippeway, Bridgewater, and Lundy's Lane, by a Convention as the Union candidate for Con- making himself conspicuous by his courageous and intrepid spirit. It was at the last named battle that he is said to hav a uttered the world-renowned declaration, "I'll try, sir," who in asked if he could storm an important and nearly impregne ble position of the enemy. Gen. MILLER was subsequently appointed Governor of Arkansas. For a long series of years days since. He will return to the islands in a few he held the post of collector of the port of Salem, which he resigned in 1849. He has since been a resident of hi a native State of New Hatnpshire .- Salem Freeman.

THE ICONOGRAPHIC ENCYCLOPEDIA. - We at knowledge the 21st number or part of the splendid Encycle pedic work now going through the press of Mr. Rupolpul jarnieus, of battle of San Jacinto. He was also Secretary of War during New York. Four more numbers will complete the work. the administration of Gen. Housron. His death will be de- which will be illustrated by 500 steel engravirings in the highest